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NYSCEF DOC. NO. 163

RECEIVED NYSCEF: 10/31/2022

From: Faherty, Colleen
To: Amy Carlin; Lawrence Rosen
Cc: Wallace, Kevin; Finkelstein, Alex; Haren, Eric
Subject: People v. The trump organization
Date: Wednesday, August 31, 2022 6:12:57 PM

EXHIBIT A

Hi Amy and Larry,

We're writing concerning the production of certain documents. After reviewing our records, it appears that TTO has not produced a full set of documents governing Mr. Trump's revocable trust, including any formation documents, amendments to the trust, or other agreements governing the trust's operation. The relevant production, regarding restructuring (from 3/11/22), doesn't seem to have those documents, at least not a full set. Can TTO please produce a set of those documents by the end of this week? (Or, if we are mistaken, and these have been produced, we would appreciate your alerting us to the pertinent Bates numbers).

Related to this issue, we have seen some indication that the trust now is a "Florida grantor trust." See, e.g., TTO_02355681. We are unsure if any document governing the trust has changed that would reflect such a change, but if there has been such a change, please let us know.

We appreciate your prompt attention to these matters. Hope all else is otherwise well.

Best,
Colleen

Get Outlook for iOS

From: Alina Habba, Esq.
To: Faherty, Colleen; Wallace, Kevin; Lawrence Rosen; Amy Carlin; Michael Madaio; Finkelstein, Alex; Randee Ingram
Subject: Re: Meet and Confer Request
Date: Friday, September 16, 2022 10:35:56 AM
Attachments: image001.png

Good morning-

I am working with the attorneys to get you your request without disclosing estate planning information.

Thank you,

Alina Habba, Esq.
Habba Madaio & Associates LLP

From: Faherty, Colleen <Colleen.Faherty@ag.ny.gov>
Sent: Friday, September 16, 2022 8:03:08 AM
To: Alina Habba, Esq. <ahabba@habbalaw.com>; Wallace, Kevin <Kevin.Wallace@ag.ny.gov>; Lawrence Rosen <rosen@lhr gb.com>; Amy Carlin <ACarlin@lhr gb.com>; Michael Madaio <mmadaio@habbalaw.com>; Finkelstein, Alex <Alex.Finkelstein@ag.ny.gov>; Randee Ingram <ringram@habbalaw.com>
Subject: RE: Meet and Confer Request

Dear Alina, et al.,

Following up on the below thread regarding the trust documents. Please confirm whether you intend to produce the documents requested.

Additionally, we have noticed an error with certain documents in the productions. In particular we have received documents that were sent password protected in their original transmission, but that once produced to OAG, remained password protected and inaccessible. (see, e.g. TTO_06198993). I can ask our IT folks to give you a better overview of the documents identified, but want to flag it for you in case your IT team has a quick remedy for this. Please let me know.

Thank you.

Best,
Colleen

Colleen K. Faherty | Assistant Attorney General
Executive Division – Federal Initiatives
New York State Office of the Attorney General
28 Liberty Street, 18th floor | New York, NY 10005
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Colleen.Faherty@ag.ny.gov

From: Faherty, Colleen

Sent: Thursday, September 8, 2022 3:38 PM

To: Alina Habba, Esq. <ahabba@habbalaw.com>; Wallace, Kevin <Kevin.Wallace@ag.ny.gov>; Lawrence Rosen <lrosen@lhr gb.com>; Amy Carlin <ACarlin@lhr gb.com>; Michael Madaio <mmadaio@habbalaw.com>; Finkelstein, Alex <Alex.Finkelstein@ag.ny.gov>; Randee Ingram <ringram@habbalaw.com>

Subject: RE: Meet and Confer Request

Alina,

Thank you for providing this document; however, I'm afraid this doesn't sufficiently address our request because it does not get at the trust as part of the operating business enterprise that is the Trump Organization. The Donald J. Trump Revocable Trust, in general, holds the entities and properties that comprise the Trump Organization. As a trust, its trustee or trustees are its responsible officials, and a trust typically is governed by the terms set by the grantor in the grant or otherwise later agreed to. Since the trust's business assets have been included within the trust for more than five years, all documents governing the trust's operation, the responsibilities of its trustees and other officials, etc., plainly are pertinent to OAG's investigation. There is no basis to withhold any such documents from production.

Below is an itemized list of the excerpted trust documents we believe we have received. I can't say this is a complete list, but these documents while relevant also do not fully address our request because many are incomplete on their face and we have no assurance that other agreements, amendments, etc., do not exist:

- We have received an excerpted trust document, with only pages 1 and 46 included. The rest of the pages are not included. TTO_02922134.
- We have received portions of a second amendment to the trust. TTO_03451963. It does not appear we have received the full second amendment, nor have we received any first amendment that preceded it.
- As part of a March 11, 2022 production of a closing binder for the late 2016/early 2017 restructuring with numbered files, we received a third amendment. TTO_05698935. We do not know if there were subsequent amendments.
- As part of that same closing-binder production, we received a document appearing to be a set of trust instructions. TTO_05698019. We do not know if this is the only set of instructions, or if there are later sets of instructions or other arrangements or agreements that would govern operation of the trust.

We appreciate your working with us, but are constrained to restate our request for the documents establishing the Donald J. Trump Revocable Trust dated April 7, 2014, any amendments thereto, and any document reflecting a change in the status of that Trust to "a Florida grantor trust". For the avoidance of doubt, the request includes any formation documents, amendments to the trust, or

other documents governing the trust's operation. We do not understand how a production of this set of documents could be difficult or time-consuming. We ask for production by the end of this week.

Thank you.

Best,
Colleen

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From: Alina Habba, Esq. <ahabba@habbalaw.com>
Sent: Wednesday, September 7, 2022 3:44 PM
To: Faherty, Colleen <Colleen.Faherty@ag.ny.gov>; Wallace, Kevin <Kevin.Wallace@ag.ny.gov>; Lawrence Rosen <rosen@lhrgb.com>; Amy Carlin <ACarlin@lhrgb.com>; Michael Madaio <mmadaio@habbalaw.com>; Finkelstein, Alex <Alex.Finkelstein@ag.ny.gov>; Randee Ingram <ringram@habbalaw.com>
Subject: RE: Meet and Confer Request

Hi Colleen,

In response to your request I am able to provide two **confidential** documents in addition to those that TTO had in their possession and previously produced to the OAG. As per my call with Kevin and Colleen yesterday, I believe these documents should include all information the OAG is seeking or would require, as is relevant to this investigation, without divulging any of the highly-sensitive estate planning information which we would obviously object to.

Please let me know if I can be of any further assistance.

Very truly yours,

Alina Habba, Esq.
Habba Madaio & Associates LLP

ALINA HABBA, Esq.

Admitted to Practice in NJ, NY & CT



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From: Faherty, Colleen <Colleen.Faherty@ag.ny.gov>

Sent: Thursday, September 1, 2022 1:45 PM

To: Alina Habba, Esq. <ahabba@habbalaw.com>; Wallace, Kevin <Kevin.Wallace@ag.ny.gov>;
Lawrence Rosen <lrosen@lhrgb.com>; Amy Carlin <ACarlin@lhrgb.com>; Michael Madaio
<mmadaio@habbalaw.com>; Finkelstein, Alex <Alex.Finkelstein@ag.ny.gov>; Peter Gabra
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Subject: RE: Meet and Confer Request

Hi Alina –

Given the extensive litigation over productions to date, we think it is best to communicate in writing, so please consider this email our meet and confer.

The request is for the documents establishing the Donald J. Trump Revocable Trust dated April 7, 2014 and any document reflecting a change in the status of that Trust to “a Florida grantor trust” as shown in the attached document. For the avoidance of doubt, the request includes any formation documents, amendments to the trust, or other documents governing the trust’s operation. We expect these documents will be straightforward to obtain and produce.

As the Trust holds all of the assets valued in the SOFC’s and its Trustees are responsible for the presentation of the statements from 2016 forward, these are basic, foundational documents, but we have not been able to identify them (or complete versions of them) in the productions to date. If TTO can identify the relevant bates numbers, great. If not, we would like them produced ASAP. If you decline, we would like to know ASAP. (But we will add that these documents are properly called for

by a number of subpoenas.)

Much appreciated.

Best,
Colleen

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From: Alina Habba, Esq. <ahabba@habbalaw.com>
Sent: Thursday, September 1, 2022 12:17 PM
To: Faherty, Colleen <Colleen.Faherty@ag.ny.gov>; Wallace, Kevin <Kevin.Wallace@ag.ny.gov>;
Lawrence Rosen <rosen@lhrgh.com>; Amy Carlin <ACarlin@lhrgh.com>; Michael Madaio
<mmadaio@habbalaw.com>; Finkelstein, Alex <Alex.Finkelstein@ag.ny.gov>; Peter Gabra
<pgabra@habbalaw.com>; Randee Ingram <ringram@habbalaw.com>
Subject: Meet and Confer Request

[EXTERNAL]

Good morning,

I understand a request was made for additional documents yesterday regarding the trust. Please provide me with some times that work tomorrow for a meet and confer so I can assist with this and take a look at what has been provided historically by TTO for you.

Thank you,

Alina Habba, Esq.
Habba Madaio & Associates LLP

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